

House Study Bill 217

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the creation of revolving funds, the
2 establishment and appropriation of fees, and other specified
3 changes relating to programs and activities under the purview
4 of the Iowa department of public health.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1210DP 81
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1 1 Section 1. NEW SECTION. 135.12 PROFESSIONAL LICENSURE
1 2 REVOLVING FUND == COMPUTER MODERNIZATION PROJECT.
1 3 1. A professional licensure revolving fund is established
1 4 within the department. The revolving fund shall be
1 5 administered by the department and shall consist of moneys
1 6 collected by the bureau of professional licensure as fees,
1 7 moneys appropriated by the general assembly, and any other
1 8 moneys obtained or accepted by the bureau. The proceeds of
1 9 the revolving fund are appropriated to and shall be used by
1 10 the bureau to maintain, develop, and operate the bureau and to
1 11 develop and implement a computer program modernization project
1 12 within the bureau of professional licensure.
1 13 2. The computer modernization project shall involve the
1 14 creation and maintenance of an integrated computer software
1 15 program to increase the efficiency of the storing, tracking,
1 16 and processing of licensee information, and may include
1 17 provisions for online renewal of licenses and online
1 18 verification of licensee status.
1 19 3. Section 8.33 shall not apply to any moneys deposited in
1 20 the revolving fund. Notwithstanding section 12C.7, subsection
1 21 2, interest or earnings on moneys deposited in the fund shall
1 22 be credited to the fund.
1 23 Sec. 2. Section 136A.3, subsection 3, Code 2005, is
1 24 amended to read as follows:
1 25 3. a. Develop specifications for and designate a central
1 26 laboratory in which tests conducted pursuant to the screening
1 27 programs provided for in subsection 1 will be performed. The
1 28 center, in consultation with the central laboratory, shall by
1 29 rule establish the fees to be charged for such tests. Fees
1 30 shall be in amounts sufficient to defray the costs of
1 31 administering the screening programs and administering a
1 32 program to provide metabolic formulas and special medical
1 33 foods for eligible individuals with inherited diseases of
1 34 amino acids and organic acids as determined by rule. In
1 35 addition, a portion of the fees collected shall be utilized to
2 1 partially fund the state genetic coordinator position within
2 2 the department.
2 3 b. All fees collected pursuant to this subsection shall be
2 4 remitted directly to the central laboratory, and shall be
2 5 deposited into a special fund under the authority of the
2 6 center and administered by the department. Notwithstanding
2 7 section 8.33, any moneys in the fund that remain unexpended,
2 8 unencumbered, or unobligated at the close of the fiscal year
2 9 shall not revert to the general fund of the state or any other
2 10 fund but shall remain available for use for the following
2 11 fiscal year for the same purposes.
2 12 Sec. 3. Section 136C.10, Code 2005, is amended to read as
2 13 follows:
2 14 136C.10 FEES.
2 15 1. The department shall establish and collect fees for the
2 16 licensing and amendment of licenses for radioactive materials,
2 17 the registration of radiation machines, the periodic

2 18 inspection of radiation machines and radioactive materials,
2 19 and the implementation of section 136C.3, subsection 2. Fees
2 20 shall be in amounts sufficient to defray the cost of
2 21 administering this chapter. The license fee may include the
2 22 cost of environmental surveillance activities to assess the
2 23 radiological impact of activities conducted by licensees.
2 24 ~~Fees collected shall be remitted to the treasurer of state who~~
2 25 ~~shall deposit the funds in the general fund of the state.~~
2 26 When a registrant or licensee fails to pay the applicable fee
2 27 the department may suspend or revoke the registration or
2 28 license or may issue an appropriate order. Fees for the
2 29 license, amendment of a license, and inspection of radioactive
2 30 material shall not exceed the fees prescribed by the United
2 31 States nuclear regulatory commission.

2 32 2. The department may establish and collect a fee related
2 33 to transporting radioactive material if the fee is used for a
2 34 purpose related to transporting radioactive material,
2 35 including enforcement and planning, developing, and
3 1 maintaining a capability for emergency response. The fees
3 2 shall be established by rules adopted pursuant to chapter 17A-
3 3 ~~and shall be deposited into a special fund within the state~~
3 4 ~~treasury under the exclusive authority of the department.~~
3 5 ~~Amounts deposited in the special fund shall be considered~~
3 6 ~~repayment receipts as defined in section 8.2, and shall not be~~
3 7 ~~transferred, used, obligated, appropriated, or otherwise~~
3 8 ~~encumbered except as provided in this section. Repayment~~
3 9 ~~receipts collected and deposited pursuant to this section that~~
3 10 ~~remain unencumbered or unobligated at the close of the fiscal~~
3 11 ~~year shall not revert but shall remain available for~~
3 12 ~~expenditure for the purposes designated in future fiscal~~
3 13 ~~years.~~

3 14 3. The department may establish and collect fees from
3 15 persons providing mammography services to assure compliance
3 16 with applicable rules and the federal Mammography Assurance
3 17 Act of 1992, as amended. All fees collected shall be used to
3 18 support the department's mammography program and shall be
3 19 established by rules adopted pursuant to chapter 17A.

3 20 4. A radiological health revolving fund is established
3 21 within the department. The revolving fund shall be
3 22 administered by the department and shall consist of moneys
3 23 collected by the department as fees pursuant to this section,
3 24 moneys appropriated by the general assembly, and any other
3 25 moneys obtained or accepted by the department for purposes of
3 26 this chapter. The proceeds of the revolving fund are
3 27 appropriated to and shall be used by the department for the
3 28 purposes described in this section. Section 8.33 shall not
3 29 apply to any moneys deposited in the revolving fund.
3 30 Notwithstanding section 12C.7, subsection 2, interest or
3 31 earnings on moneys deposited in the fund shall be credited to
3 32 the fund.

3 33 Sec. 4. Section 156.10, Code 2005, is amended to read as
3 34 follows:

3 35 156.10 INSPECTION.
4 1 The director of public health shall inspect all places
4 2 where dead human bodies are prepared or held for burial,
4 3 entombment, or cremation, ~~and~~. The director shall establish
4 4 fees by rule and adopt and enforce such rules and regulations
4 5 in connection with the inspection as shall be necessary for
4 6 the preservation of the public health.

4 7 ~~An inspection fee for each place where dead human bodies~~
4 8 ~~are prepared for burial or cremation shall be fifteen dollars~~
4 9 ~~per year, which shall be collected by the director of public~~
4 10 ~~health.~~

4 11 Sec. 5. Section 157.7, Code 2005, is amended to read as
4 12 follows:

4 13 157.7 INSPECTORS AND CLERICAL ASSISTANTS.

4 14 1. The department of inspections and appeals shall employ
4 15 personnel pursuant to chapter 8A, subchapter IV, to perform
4 16 duties related to inspection functions under this chapter.
4 17 The department of inspections and appeals shall, when
4 18 possible, integrate inspection efforts under this chapter with
4 19 inspections conducted under chapter 158.

4 20 2. The board shall adopt rules relating to the
4 21 inspections, and shall establish inspection fees to be paid by
4 22 a salon to the Iowa department of public health. The Iowa
4 23 department of public health shall transfer fees collected to
4 24 the department of inspections and appeals to pay for the costs
4 25 of inspections. Fees collected, transferred, and retained
4 26 pursuant to this subsection are appropriated to the department
4 27 of inspections and appeals for the purposes of inspecting
4 28 cosmetology salons. Notwithstanding section 8.33, any fees

4 29 collected by the department of public health that remain
4 30 unexpended, unencumbered, or unobligated at the close of the
4 31 fiscal year shall not revert to the general fund of the state
4 32 or any other fund but shall be available for use for the
4 33 following fiscal year for the same purpose.
4 34 3. The Iowa department of public health may retain a
4 35 portion of the fees established pursuant to subsection 2 in an
5 1 amount determined by rule to employ clerical assistants
5 2 pursuant to chapter 8A, subchapter IV, to administer and
5 3 enforce this chapter. ~~The costs and expenses of the clerical~~
5 4 ~~assistants shall be paid from funds appropriated to the~~
5 5 ~~department of public health. The portion of the fees retained~~
5 6 ~~is appropriated to the Iowa department of public health to be~~
5 7 ~~used as provided in this subsection.~~
5 8 Sec. 6. Section 157.11, unnumbered paragraph 1, Code 2005,
5 9 is amended to read as follows:
5 10 A salon shall not operate unless the owner has obtained a
5 11 license issued by the department. The owner shall apply to
5 12 the department on forms prescribed by the board. The
5 13 department shall perform a sanitary inspection of each salon
5 14 ~~biennially every three years and may~~ shall perform a sanitary
5 15 inspection of a salon ~~prior to within six months of the~~
5 16 issuance of a license. An inspection of a salon shall also be
5 17 conducted upon receipt of a complaint by the department.
5 18 Sec. 7. Section 158.6, Code 2005, is amended to read as
5 19 follows:
5 20 158.6 INSPECTORS AND CLERICAL ASSISTANTS.
5 21 1. The department of inspections and appeals shall employ
5 22 personnel pursuant to chapter 8A, subchapter IV, to perform
5 23 duties related to inspection functions under this chapter.
5 24 The department of inspections and appeals shall, when
5 25 possible, integrate inspection efforts under this chapter with
5 26 inspections conducted under chapter 157.
5 27 2. The board shall adopt rules relating to the
5 28 inspections, and shall establish inspection fees to be paid by
5 29 a barbershop to the Iowa department of public health. The
5 30 Iowa department of public health shall transfer fees collected
5 31 to the department of inspections and appeals to pay for the
5 32 costs of inspections. Fees collected, transferred, and
5 33 retained pursuant to this subsection are appropriated to the
5 34 department of inspections and appoeals for the purposes of
5 35 inspecting barbershops. Notwithstanding section 8.33, any
6 1 fees collected by the department of public health that remain
6 2 unexpended, unencumbered, or unobligated at the close of the
6 3 fiscal year shall not revert to the general fund of the state
6 4 or any other fund but shall be available for use for the
6 5 following fiscal year for the same purpose.
6 6 3. The Iowa department of public health may retain a
6 7 portion of the fees established pursuant to subsection 2 in an
6 8 amount determined by rule to employ clerical assistants
6 9 pursuant to chapter 8A, subchapter IV, to administer and
6 10 enforce this chapter. ~~The costs and expenses of the clerical~~
6 11 ~~assistants shall be paid from funds appropriated to the~~
6 12 ~~department of public health. The portion of the fees retained~~
6 13 ~~is appropriated to the Iowa department of public health to be~~
6 14 ~~used as provided in this subsection.~~
6 15 Sec. 8. Section 158.9, unnumbered paragraph 1, Code 2005,
6 16 is amended to read as follows:
6 17 A barbershop shall not operate unless the owner has
6 18 obtained a license issued by the department. The owner shall
6 19 apply to the department on forms prescribed by the board. The
6 20 department shall perform a sanitary inspection of each
6 21 barbershop ~~biennially every three years and may~~ shall perform
6 22 a sanitary inspection of a barbershop ~~prior to within six~~
6 23 ~~months of the~~ issuance of a license. An inspection of a
6 24 barbershop shall also be conducted upon receipt of a complaint
6 25 by the department.
6 26 Sec. 9. Section 272C.3, Code 2005, is amended by adding
6 27 the following new subsection:
6 28 NEW SUBSECTION. 5. In addition to the authority granted
6 29 pursuant to subsection 2, the board of medical examiners and
6 30 the board of dental examiners may impose monitoring fees as a
6 31 result of a disciplinary hearing. The fees imposed shall be
6 32 in amounts representative of the boards' costs for monitoring
6 33 licensees under board-ordered discipline. Fees collected by
6 34 the boards under this section shall be deposited into a
6 35 revolving fund to be administered by the Iowa department of
7 1 public health and are appropriated to the department to be
7 2 used to support the monitoring program. Section 8.33 does not
7 3 apply to any moneys deposited in the revolving fund.
7 4 Notwithstanding section 12C.7, subsection 2, interest or

7 5 earnings on moneys deposited in the fund shall be credited to
7 6 the fund.

7 7 Sec. 10. Section 331.805, subsection 3, paragraph b, Code
7 8 2005, is amended to read as follows:

7 9 b. If the next of kin, guardian, or other person
7 10 authorized to act on behalf of a deceased person has requested
7 11 that the body of the deceased person be cremated, a permit for
7 12 cremation must be obtained from a medical examiner. Cremation
7 13 permits by the medical examiner must be made on the most
7 14 current forms prepared at the direction of and approved by the
7 15 state medical examiner, with copies forwarded to the state
7 16 medical examiner's office. Costs for the cremation permit
7 17 issued by a medical examiner shall not exceed seventy-five
7 18 dollars. The costs shall be borne by the family, next of kin,
7 19 guardian of the decedent, or other person. The state medical
7 20 examiner may collect and retain the fees from cremation
7 21 permits issued by the state medical examiner as determined by
7 22 rule. Cremation permit fees collected and retained under this
7 23 paragraph are appropriated to the Iowa department of public
7 24 health for purposes of the state medical examiner's office and
7 25 shall not be transferred, used, obligated, or otherwise
7 26 encumbered except as provided in this paragraph.
7 27 Notwithstanding section 8.33, any cremation permit fees
7 28 collected by the state medical examiner that remain
7 29 unexpended, unencumbered, or unobligated at the close of the
7 30 fiscal year shall not revert to the general fund of the state
7 31 or any other fund but shall be available for use for the
7 32 following fiscal year for the same purpose.

7 33 Sec. 11. Section 691.6, subsection 4, Code 2005, is
7 34 amended to read as follows:

7 35 4. To collect and retain autopsy fees and related fees and
8 1 expenses as established by rule. Autopsy fees and related
8 2 fees and expenses collected and retained under this subsection
8 3 are appropriated to the Iowa department of public health for
8 4 purposes of the state medical examiner's office, and shall not
8 5 be transferred, used, obligated, or otherwise encumbered
8 6 except as provided in this section. Notwithstanding section
8 7 8.33, any fees or expenses collected by the state medical
8 8 examiner under this subsection that remain unexpended at the
8 9 end close of the fiscal year shall not revert to the general
8 10 fund of the state or any other fund but shall be available for
8 11 use for the following fiscal year for the same purpose.

8 12 Sec. 12. Section 691.6, Code 2005, is amended by adding
8 13 the following new subsection:

8 14 NEW SUBSECTION. 4A. To collect and retain fees for
8 15 medical examiner facility expenses and services related to
8 16 organ and tissue recovery, pursuant to rules adopted under
8 17 chapter 17A. Fees collected and retained under this
8 18 subsection are appropriated to the Iowa department of public
8 19 health for purposes of the state medical examiner's office and
8 20 shall not be transferred, used, obligated, or otherwise
8 21 encumbered except as provided in this section.
8 22 Notwithstanding section 8.33, any fees collected by the state
8 23 medical examiner under this subsection that remain unexpended,
8 24 unencumbered, or unobligated at the close of the fiscal year
8 25 shall not revert to the general fund of the state or any other
8 26 fund but shall be available for use for the following fiscal
8 27 year for the same purpose.

8 28 EXPLANATION

8 29 This bill provides for the creation of revolving funds,
8 30 establishment of fees, and other specified changes relating to
8 31 programs and activities under the purview of the Iowa
8 32 department of public health.

8 33 The bill provides for the establishment of a revolving fund
8 34 to support the operations of the professional licensure
8 35 division and to develop and implement a computer modernization
9 1 project within the division. The bill provides that the
9 2 revolving fund shall consist of moneys collected by the
9 3 division as fees, moneys appropriated by the general assembly,
9 4 and any other moneys obtained or accepted by the division.
9 5 The bill provides that the project shall involve the creation
9 6 and maintenance of an integrated computer software program to
9 7 increase the efficiency of the storing, tracking, and
9 8 processing of licensee information, and may include provisions
9 9 for online renewal of licenses and online verification of
9 10 licensee status.

9 11 The bill also provides for the establishment of a
9 12 radiological health revolving fund. The bill provides that
9 13 fees collected for the licensing and amendment of licenses for
9 14 radioactive materials, the registration of radiation machines,
9 15 the periodic inspection of radiation machines and radioactive

9 16 materials, and related provisions shall be deposited into the
9 17 fund, instead of into the general fund of the state as
9 18 currently provided in Code section 136C.10. The bill provides
9 19 for the codification of departmental authority to collect and
9 20 retain fees from persons providing mammography services to
9 21 assure compliance with rules and the federal Mammography
9 22 Quality Assurance Act of 1992, as amended. The bill provides
9 23 that the fees shall be used to support the mammography program
9 24 and shall be in an amount established by rule.

9 25 The bill provides that the center for congenital and
9 26 inherited disorders within the department shall, in
9 27 consultation with a designated central laboratory, establish a
9 28 fee to be charged for tests conducted pursuant to screening
9 29 programs and administration of the metabolic foods program in
9 30 an amount sufficient to defray the cost of administering the
9 31 programs as determined by rule. The bill provides that a
9 32 portion of the fees collected shall be utilized to partially
9 33 fund the state genetic coordinator position within the
9 34 department, and that all fees collected shall be remitted
9 35 directly to the central laboratory and deposited into a
10 1 special fund under the authority of the laboratory and
10 2 administered by the department.

10 3 The bill provides for a change relating to inspection fees
10 4 charged for funeral and cremation establishments from the
10 5 current specified level of \$15 to an amount to be established
10 6 by the department by rule. The bill also provides for the
10 7 establishment of fees by rule by the licensing boards for
10 8 cosmetology and barbering relating to inspections to be
10 9 conducted by the department of inspections and appeals of
10 10 cosmetology salons and barbershops, with the fees collected by
10 11 the department of public health remitted to the department of
10 12 inspections and appeals. The bill further provides that
10 13 inspections of each salon or barbershop shall be conducted
10 14 every three years rather than the current provision of
10 15 biennially, and that inspections of new salons and barbershops
10 16 must be conducted within six months of the issuance of a
10 17 license, rather than the current optional provision. The bill
10 18 also provides that a portion of the fees may be retained for
10 19 the employment of clerical assistants relating to the
10 20 conducting of the inspections.

10 21 The bill provides that the board of medical examiners and
10 22 the board of dental examiners may impose monitoring fees as a
10 23 result of a disciplinary hearing, in amounts representative of
10 24 the boards' costs for monitoring licensees under board=
10 25 ordered discipline. The bill provides that the fees collected
10 26 shall be deposited into a revolving fund to be administered by
10 27 the department and used to support the monitoring program.

10 28 The bill provides that the state medical examiner may
10 29 collect and retain the fees from cremation permits issued by
10 30 the state medical examiner as determined by rule, and that the
10 31 fees shall be appropriated annually to the department of
10 32 public health for purposes of the state medical examiner's
10 33 office. The bill also provides for the collection of related
10 34 fees and expenses by the state medical examiner when
10 35 collecting and retaining autopsy fees, and provides for the
11 1 collection and retention of fees for medical examiner facility
11 2 expenses and services related to organ and tissue recovery.

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11 4 rn:nh/sh/8.1